

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

TELA INNOVATIONS, INC.,)	
)	
Plaintiff,)	
)	
v.)	C.A. No. 13-219 (RGA)
)	
NOKIA CORPORATION (NOKIA OYJ))	
and NOKIA INC.,)	
)	
Defendants.)	

UNOPPOSED MOTION TO STAY PURSUANT TO 28 U.S.C. § 1659(a)

Defendants Nokia Corporation and Nokia Inc. (collectively, “Nokia Defendants”) respectfully move this Court pursuant to 28 U.S.C. § 1659(a) for a stay of all proceedings in the above-captioned case until the determination of the United States International Trade Commission (“ITC”) in a parallel proceeding becomes final. Plaintiff Tela Innovations, Inc. (“Tela”) does not oppose this motion.

On February 8, 2013, Tela filed its Complaint in this case, alleging that the Nokia Defendants infringe U.S. Patent Nos. 8,217,428; 8,258,547; 8,030,689; 8,258,550; 8,258,552; 8,264,044; and 8,264,049 (collectively, “Patents-in-Suit”). On February 8, 2013, Tela also filed a complaint under Section 337 of the Tariff Act of 1930 (as amended) with the ITC, alleging that the Nokia Defendants infringe the Patents-in-Suit. On March 12, 2013, the ITC instituted an investigation pursuant to the ITC Complaint and named the Nokia Defendants as respondents. The ITC’s notice of investigation was published in the Federal Register on March 15, 2013 (78 Fed. Reg. 16,533). The investigation is titled *In re Certain Integrated Circuit Devices and Products Containing the Same*, Investigation No. 337-TA-873 (“ITC Proceeding”). The Nokia Defendants have not filed an answer or counterclaims in this action to date.

28 U.S.C. § 1659(a) provides:

(a) Stay. – In a civil action involving parties that are also parties to a proceeding before the United States International Trade Commission under section 337 of the Tariff Act of 1930, at the request of a party to the civil action that is also a respondent in the proceeding before the Commission, the district court shall stay, until the determination of the Commission becomes final, proceedings in the civil action with respect to any claim that involves the same issues involved in the proceeding before the Commission, but only if such request is made within –

- (1) 30 days after the party is named as a respondent in the proceeding before the Commission, or
 - (2) 30 days after the district court action is filed,
- whichever is later.

Under the circumstances involved here, the Nokia Defendants move to stay this action under 28 U.S.C. § 1659(a). This action and the ITC Proceeding both involve Tela's claims against the Nokia Defendants for alleged infringement of the Patents-in-Suit. The Nokia Defendants make this request for a stay within 30 days of being named as a respondent in the ITC Proceeding. Accordingly, the Nokia Defendants respectfully request the Court to enter an Order that all proceedings shall be stayed until the determination of the ITC, including any appeals therefrom, becomes final.

MORRIS, NICHOLS, ARSHT & TUNNELL LLP

/s/ Jack B. Blumenfeld

OF COUNSEL:

Allison Altersohn
KING & SPALDING LLP
1185 Avenue of the Americas
New York, NY 10036
(212) 556-2100

Jack B. Blumenfeld (#1014)
Rodger D. Smith II (#3778)
1201 North Market Street
P.O. Box 1347
Wilmington, DE 19801
(302) 658-9200
jblumenfeld@mnat.com
rsmith@mnat.com

April 5, 2013
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*Attorneys for Defendants Nokia Corporation
and Nokia Inc.*

IT IS SO ORDERED this ____ day of April, 2013.

The Honorable Richard G. Andrews

RULE 7.1.1 CERTIFICATE

The undersigned hereby certifies that counsel for the Nokia Defendants discussed the foregoing unopposed motion with counsel for Tela, and Tela does not oppose the relief requested in the motion.

/s/ Jack B. Blumenfeld

Jack B. Blumenfeld (#1014)

CERTIFICATE OF SERVICE

I hereby certify that on April 5, 2013, I caused the foregoing to be electronically filed with the Clerk of the Court using CM/ECF, which will send notification of such filing to all registered participants.

I further certify that I caused copies of the foregoing document to be served on April 5, 2013, upon the following in the manner indicated:

Edmond D. Johnson, Esquire
James G. McMillan, III, Esquire
PEPPER HAMILTON LLP
Hercules Plaza, Suite 5100
1313 North Market Street
P.O. Box 1709
Wilmington, DE 19899
Attorneys for Plaintiff

VIA ELECTRONIC MAIL

Goutam Patnaik, Esquire
Kelly E. Rose, Esquire
PEPPER HAMILTON LLP
600 Fourteenth Street, N.W.
Washington, DC 20005
Attorneys for Plaintiff

VIA ELECTRONIC MAIL

Alison L. McCarthy, Esquire
PEPPER HAMILTON LLP
High Street Tower, 19th Floor
125 High Street
Boston, MA 02110
Attorneys for Plaintiff

VIA ELECTRONIC MAIL

/s/ Jack B. Blumenfeld

Jack B. Blumenfeld (#1014)